

MEMO ENDORSED**BARRY NESSON LAW, P.C.**700 White Plains Road, Suite 309
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April 23, 2012

Hon. Edgardo Ramos
U.S. District Court, Southern District of New York
300 Quarropas Street
White Plains, New York 10601**The application is** **granted.**
 denied.
Edgardo Ramos, U.S.D.J.
Dated: April 25, 2012
White Plains, New York

Honorable Sir:

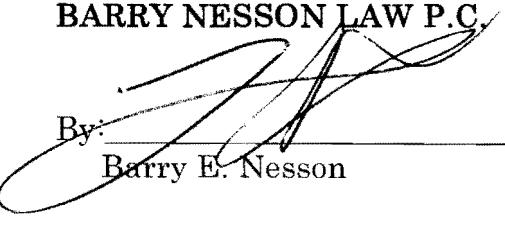
This office represents Defendants, Jade Pension Plan in the referenced matter. I appeared before you for a conference on Tuesday, April 3, 2012 together with David M. Schlachter, Esq., the attorney for Plaintiff and the attorney for Capital One Bank, Ryan L. DiClemente, Esq. At the conference, I argued that neither Jade nor Acqua were proper parties in this action. Whatever the Plaintiff's cause of action might be against the foreclosing lender, Capital One, my party was a *bona fide* purchaser with no connection to the foreclosing lender. As such, Rucker-Brown would apply. In any case, it was inconceivable that this Court would set aside the ownership rights and vacate the deed of my client. At the conference, Attorney Schlachter indicated that he was inclined to agree with my argument, but would follow up with a letter to the Court within approximately two weeks. I have now received Mr. Schlachter correspondence and at its conclusion, he reiterates that neither Jade nor Acqua should be parties to the action and consents to voluntarily dismiss them from the action.

The next Court conference is scheduled for April 30th at 11:45 a.m. In view of Mr. Schlachter's correspondence and consent to dismiss with respect to Jade and Acqua, I respectfully request that I be excused from attending on the 30th. My obligation is to zealously represent my client(s), but at the same time I have a concurrent obligation to be mindful of their pocketbooks! Please advise at your earliest convenience and thank you in advance for your courtesy herewith.

USDC SDNY
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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 4/25/2012

cc: Ryan L. DiClemente, Esq.
David M. Schlachter, Esq.

Very truly yours,

BARRY NESSON LAW P.C.By: 
Barry E. Nesson